



TENNESSEE HUMAN RIGHTS COMMISSION
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January 18, 2008
Telephonic Board of Commissioner's
Meeting Minutes

Commissioner's Present:

Commissioner Blalock
Commissioner Cocke
Commissioner Garrett
Commissioner Hakeem
Commissioner Miller
Commissioner Osborne
Commissioner Pierce
Commissioner Pride
Commissioner Walker
Chairman Wiggins
Commissioner Wurzburg

Commissioner's Absent:

Commissioner Davis
Commissioner Jones
Commissioner Smith
Commissioner Starling

Staff Present:

Beverly Watts, Executive Director
Shay Rose, General Counsel
Robert Bright, Housing Director
Esperanza Soriano, Communications Director
Lisa Lancaster, Executive Director's Assistant

Guests:

None

Call to Order & Invocation

Chairman Wiggins called the meeting to order at 9:05 a.m. CDT. Roll call was taken. Commissioner Walker offered the invocation.

Approval of Minutes

The minutes of the November 30, 2007 board meeting were reviewed. Commissioner Osborne made a motion to accept the minutes. Commissioner Hakeem seconded the motion. A vote was taken and passed.

Executive Director's Report

Executive Director Beverly Watts notified the Commission that the new Rules went into effect in mid December 2007 based on statute unless the legislature committee petitions the full legislative body to take a different action.

Senate Government Operations Committee had the Attorney General staff and Secretary of State staff come to explain the Rules process to the full body regarding how proposed rules become final rules and explain the role of Government Operations in that process. Unless the committee passes a resolution to go before the full legislative body to suspend the rules, the rules will take effect.

The Sunset Hearing will possibly take place in February per Phil DeBusk in the Comptroller's office. The auditor who is preparing the Special Investigation for THRC is also the auditor on the lottery issue and has not completed the report for our Special Audit.

Two bills have been introduced on Sunset, one by Senator Harper and one by Rep. Kernell. Both would extend THRC until 2012 and have been assigned to Government Operations.

A call was received from Rep. Harwell asking questions about why THRC wanted to move from its current location and if the move would create a budget implication. Executive Director Watts and Lisa Lancaster, Executive Assistant both spoke with her and indicated that they did not believe that the move would have any effect on the budget. Commissioner Starling also spoke with her and confirmed the previous conversations and noted that the commission thought the current space was not appropriate and Commission members requested the move. State space is available in the Andrew Johnson Building and Executive Director Watts will view that space and will bring updates soon.

Executive Director Watts indicated she has been in Chattanooga and Knoxville the past few days attending events. She thanked Commissioner Osborne for hosting a meeting so she could discuss issues with local constituents and invited other Commissioners to host meetings in their local areas to meet with community leaders and citizens.

Several Outreach and Education activities are coming up in March and April and area Commissioners will be notified of event information so that they may participate when they are available.

Commissioner Pierce made a motion to accept the Executive Director's report. Commissioner Pride seconded the motion. A vote was taken and passed.

Budget & Audit Report

Chairman Hakeem reported on the January 8, 2008 Budget & Audit Committee meeting. Chairman Hakeem thanked the committee and Executive Director's attention to detail in the preparation of the special investigation document. Chairman Hakeem gave a brief overview of the reason the investigation was being done. Commissioner Starling questioned the protection of client's personal information and it was noted that all personal information from clients and staff would be redacted. Commissioner Wurzburg questioned if this problem was an anomaly or a system wide problem. Executive Director Watts confirmed that it was not a systemic problem and the prepared documents show the efforts of the Commission to monitor investigations to assure that it does not occur again.

Commissioner Osborne questioned if interviews were being tape recorded. It was noted that if interviews with witnesses are taped, the investigator is responsible for transcribing the tape and including both in the case file.

Commissioner Cocke questioned if staff decided to tape an interview was there written policy in place. Executive Director Watts noted there was not a written policy. The decision was made by the investigator. Commissioner Osborne noted that the question was about supervisory oversight of the interview process with investigators with the intent of monitoring the process and its effectiveness.

Commissioner Cocke noted that a written policy could be put in place to require that a defined number of interviews be taped so that they could be reviewed for content and technique for staff training events.

Commissioner Cocke made a motion to accept the report. Commissioner Blalock seconded the motion. A vote was taken and passed.

Employment Case Report

Executive Director Watts reported the employment information was being given in the absence of Tiffany Baker Cox, Deputy Director who is out on maternity leave. Cases this year are down in number but the number of closed cases is up and the settlements and benefits are also down due to staff changes. She noted that we have three new investigators since the last Board meeting. Teresa Thompson in Memphis, Kaleda Bentley in Nashville and Dianna Ruch moved from Intake to Investigator in the Nashville Office.

The mediation program that was suspended in July of 2006 will be reinstated in February of this year after Jean Munroe Associates trains five of our staff during the week of February 11, 2008. It will be a week long training held in THRC's Nashville office. A bridge course will also be offered for Deputy Director Cox. All of those trained would have Rule 31 Mediator status. Commissioner Wurzburg noted that she would be available to assist if she is needed. Executive Director Watts thanked her for offering to assist and said she would let her know if her assistance was needed.

General Counsel, Shay Rose noted that she and Matthew Stephenson are training the new investigator, Kaleda Bentley and she is coming up to speed.

Commissioner Hakeem made a motion to accept the report and Commissioner Osborne seconded the motion. A vote was taken and passed.

Housing Case Report

Housing Director, Robert Bright, reported that since November 15, 2007, 22 new charges have been received and 25 cases have been closed that were from 14 (previous record¹) different counties from across the state. Eight cases were settled; 15 cases were closed as no cause; one case was closed as untimely filed and a second case was closed as a withdrawal without a resolution. The predominant cause for filing housing complaints is still race. Housing settlement amounts are down. However, the overall aging of housing cases is down from the last report in November 2007.

The goal for the year is to close 125 cases and we have 45 (previous recorded 115) cases closed now. There are 115 cases in the total inventory. There are 70 cases in the open inventory and 45 cases which have been closed totaling 115 cases. HUD has projected a 66% increase in cases that will be filed with THRC based on the expanded role of THRC in

investigating concurrent processed/multi-jurisdictional cases. That is a 73 case increase projection.

Commissioner Blalock made a motion to accept the housing report and Commissioner Pierce seconded the motion. A vote was taken and passed.

Legal Report

Shay Rose, General Counsel, reported that legal has reviewed 38 cases and worked on 1 pre-cause case. 35 were no cause cases and 3 went back to the investigators for corrections. 11 no cause housing cases were also reviewed.

Ms. Rose reported that the Assistant Counsel position is still open and that she has been conducting interviews this month and hopes to fill the Assistant Counsel position by the end of the month. Executive Director Watts will need to interview with some of the candidates being considered for the position. Chairman Wiggins questioned if the pool of candidates was adequate or inadequate. General Counsel Rose noted there were several applicants most of which were just looking for a job, most of which are right out of law school and passed the bar in October of last year.

The training for Ms. Bentley is going well and she has been assigned 6 cases.

Employment Law Seminar coming up before the end of the fiscal year around early June, after the Legislature closes for the year. Please contact General Counsel Rose via email or phone if you have suggestions on topics of interest or would like to speak or be a planning committee member.

Fourteen bills have been filed in the Legislature concerning English only in the workplace and immigration issues that THRC must respond with Fiscal (budget) impact on the agency if the bills were to pass.

A bonding company that the Commission found did not want to serve people of Hispanic origin is still trying to settle. The Respondent has been responsive and appears to be open to training. Another cause case regarding an HIV+ and HEPB+ applicant for employment was settled, although without the Complainant's input as he nor his attorney were responsive. The settlement included \$1,000 to a Commission training/seminar, possibly the Employment Law Seminar we are planning, and the employer agreed to institute new policies for hiring and training staff.

An employment pregnancy case where a lady was asked to take her maternity leave earlier than she wanted to, settled for \$16,000 and training. Another HIV case was mediated by a contract mediator and settled for \$400.

Of the 11 Housing companion cases, 2 will be docketed soon. Commissioner Osborne asked about the high rate of no cause determinations. It reflects a 5% Employment and 10% Housing no cause rate. General Counsel Rose explained that complainants feel they have been treated unfairly and that does not always mean the treatment was discriminatory. THRC tries to conciliate those cases when applicable. Chairman Wiggins noted that many times complainants feel they have been discriminated against due to race

or other reason and in fact the issues are work performance based issues or attendance issues.

Executive Director Watts added that many cases are being settled before they are caused resulting in the high number of no cause cases. She noted that often times there are underlying issues that need to be addressed and therefore a need for Outreach and Education events to explain to the public what elements we can investigate and why. Nationwide the no cause rate is 10-15% and EEOC may be slightly higher because of their class action status. She will provide statistics from surrounding states, EEOC and HUD in comparison to THRC's no cause numbers.

Chairman Wiggins noted that oftentimes he is approached by citizens that have seen THRC PSA's and they are not aware of what we do or are misinformed. General Counsel Rose noted that investigators are instructed to fully explain to the complainant why no cause was found in their case.

Commissioner Cocke made a motion to accept the legal report and Commissioner Osborne seconded the motion. A vote was taken and passed.

Outreach and Education

Esperanza Soriano, Communications Director, reported that THRC participated in the International Human Rights Day on December 10, 2007. Executive Director Watts and Commissioner Starling were among the participants. A story followed in the Nashville Pride newspaper.

Executive Director Watts will be speaking at the Jefferson Street Missionary Baptist Church Breakfast at 8 am Saturday morning. It was also noted that Chairman Wiggins and Communications Director Soriano will take part in the MLK March sponsored by TSU on Monday, January 12, 2008.

Frank Guzman has completed his HUD Fair Housing Training Academy and is now certified to investigate housing cases.

The Customer Service Survey draft was developed to monitor the success of the agency. It was inadvertently left out of the materials packet and will be emailed to all members for their review and comment as soon as the meeting is concluded this morning. Commissioner Cocke questioned if the survey was for complainants or respondents. It was noted that it could be used for either.

A newsletter is being developed by the Communications department and a request was made for stories of interest, community events that might be highlighted and possible links be provided to Ms. Soriano for inclusion in the publication. Updates will be provided every 90 days to Commissioners as to upcoming events. Please notify Ms. Soriano if you are willing to speak or attend events in your area.

We have received approval of a recent grant request for FHAP funds in which the Somali and Kurdish communities were the focus. The housing division will also receive funds to purchase 2 laptops for onsites. HUD has not made a decision on the request for Katrina Funds. More information will be shared as it is available.

Comments/suggestions boxes are available for staff. Interviews continue for the Internship program. Executive Director Watts will be taping today with Dr. Haney at Channel 17 will air in several months but will be available immediately on YouTube.com.

An invitation to the Fair Housing Matters Conference which will be held at the Franklin Cool Springs Marriott on April 3, 2008 from 8-4 was offered to Commission members. Special guests will be Fred Cloud and John Sigenthaler Sr.

Commissioner Osborne asked if the program could be accredited for Real Estate professionals. Ms. Soriano noted that the past 5 years the conference was approved for Continuing Education Units and application has been made for 8 hours of Real Estate CEU for 2008.

Commissioner Pierce questioned if the newsletter was to be placed on the website or sent out in hard copy form. Ms. Soriano noted that after conversations with the webmaster that the cost to make the newsletter emailable was pretty hefty and therefore less cost effective so less expensive options were being considered. Commissioner Pierce noted that possibly it could be shared with EEO directors in each state department.

Executive Director Watts noted that the primary purpose of the newsletter was to share what is happening at THRC with staff and Commissioners, to share trends and issues, to include links to articles from EEOC and HUD. She also noted that THRC T-Shirts have been purchased and will be sent to all Commissioners today.

Commissioner Hakeem made a motion to accept the Communications report. Commissioner Pierce seconded the motion. A vote was taken and passed.

Commission Wurzburg questioned when orientation would take place. Executive Director noted that new commissioners could contact her with any questions they might have. New Commissioner packets will go out next week and a time would be arranged to have the orientation with new members.

Chairman Wiggins reminded the commission that 2008 is well on its way. Commission members were thanked for committing sweat equity to the business at THRC. Success is not a destination, it is a continuous journey. With no further business to address, Chairman Wiggins adjourned the meeting at 10:05 a.m.